



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
|-----------------|-------------|----------------------|---------------------|------------------|

10/705,868

11/13/2003

Florent Picard

PET-2106

6299

23599 7590 12/26/2006  
MILLEN, WHITE, ZELANO & BRANIGAN, P.C.  
2200 CLARENDON BLVD.  
SUITE 1400  
ARLINGTON, VA 22201

EXAMINER

SINGH, PREM C

ART UNIT

PAPER NUMBER

1764

MAIL DATE

DELIVERY MODE

12/26/2006

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

2

|   |                                      |                                      |  |
|---|--------------------------------------|--------------------------------------|--|
| <b>Advisory Action</b><br><b>Before the Filing of an Appeal Brief</b> | <b>Application No.</b><br>10/705,868 | <b>Applicant(s)</b><br>PICARD ET AL. |  |
|   | <b>Examiner</b><br>Prem C. Singh     | <b>Art Unit</b><br>1764              |  |

**--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

THE REPLY FILED 04 December 2006 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires \_\_\_\_\_ months from the mailing date of the final rejection.  
 b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**NOTICE OF APPEAL**

2. ☐ The Notice of Appeal was filed on \_\_\_\_\_. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

**AMENDMENTS**

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because  
 (a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);  
 (b) ☐ They raise the issue of new matter (see NOTE below);  
 (c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or  
 (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: \_\_\_\_\_. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).  
 5. ☐ Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.  
 6. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).  
 7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.  
 The status of the claim(s) is (or will be) as follows:  
 Claim(s) allowed: \_\_\_\_\_.  
 Claim(s) objected to: \_\_\_\_\_.  
 Claim(s) rejected: 1-8 and 10-23.  
 Claim(s) withdrawn from consideration: \_\_\_\_\_.

**AFFIDAVIT OR OTHER EVIDENCE**

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).  
 9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).  
 10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

**REQUEST FOR RECONSIDERATION/OTHER**

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:  
See Continuation Sheet.  
 12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). \_\_\_\_\_.  
 13. ☐ Other: \_\_\_\_\_.

Continuation of 11. does NOT place the application in condition for allowance because:  
The Applicant has provided two exhibits showing that the pyrolysis gasoline has more diolefins than FCC gasoline.  
The exhibits are persuasive and the disclosures are known to those skilled in the art.

The Applicant argues that the prior art of record does not show a process wherein an FCC gasoline is subjected to selective hydrogenation to eliminate the diolefins.

The Applicant's argument is not persuasive because Parker discloses, "A process for hydrogenating hydrocarbons which comprises the steps of (a) introducing an unstable hydrocarbon feedstock containing diolefins, olefins, and pre-formed gum-like compounds....." (see column 2, lines 60-72; column 3, lines 1-9). Obviously, the process can handle any feedstock with diolefins, olefins, and pre-formed gum-like compounds. It is also to be noted that claim 1 of the Applicant requires a gasoline feedstock obtained from at least one of: FCC, Steam cracking, Coking, or visbreaking operation. Parker uses a pyrolysis gasoline which is similar to thermally cracked or steam cracked gasoline (see Office action, dated: 08/31/2006, page 8, paragraph 1).

The Applicant argues that the Applicants' invention, on the other hand, provides a hydrogenation stage of an FCC gasoline prior to subjecting same to extractive distillation as set forth in claim 12. Whereas it was known to subject an FCC gasoline to extractive distillation, it was not known to provide an intermediate stage of hydrogenation, but it is this intermediate step which results in a host of advantages, as set forth in Applicants' specification on page 17.

The Applicant's argument is not persuasive because hydrogenation of FCC gasoline is obvious over Parker as mentioned above (see Parker column 2, lines 60-72; column 3, lines 1-9).

The Applicant argues about the rejection of claims 22 and 23.

It is to be noted that Parker uses a separator (15) basically to separate gum-like compounds from the feed going to the reactor (21). If a feed with negligible amount of gum-like compounds is used, the separator could be bypassed and therefore, it would have been obvious to one skilled in the art to modify Parker invention and use a feed with negligible amount of gum-like compounds, like FCC gasoline as claimed by the Applicant and take the feed directly to the reactor.

A handwritten signature in black ink, appearing to be "A. V.", with a stylized flourish extending to the right.